

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

Della M Goines

Debtor

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**CASE NO. 10-40999-H5-13
(Chapter 13)**

**SELENE FINANCE LP's RESPONSE TO
DEBTOR'S NOTICE OF CONVERSION CHAPTER 13 to CHAPTER 7 CASE
UNDER 11 U.S.C. §§ 1208 (a) or 1307 (a) Fed. R. Bankr. P. 1017(f)(3)**

COMES NOW, SELENE FINANCE, LP, as servicer for SRMOF 2009-1 TRUST, and their respective successors and/or assigns (collectively "Selene"), and files this its Response to Debtor's Notice of Conversion Chapter 13 to Chapter 7 Case Under 11 U.S.C. §§ 1208 (a) or 1307 (a) Fed. R. Bankr. P. 1017(f) (3); and responds as follows:

1. This Chapter 13 Bankruptcy Case No. 10-40999-H5-13 was dismissed pursuant to an Order signed by this Court on April 8, 2011. The Chapter 13 Trustee filed a Motion to Dismiss the Case. An oral hearing was held on the Motion to Dismiss and this Court granted said Motion. Specifically, this Court gave Debtir, thirty (30) days to open a new Bankruptcy case. Debtor failed to open a new Bankruptcy case in the time that was allotted by this Court. Debtor has filed numerous motions to re-open her Chapter 13 Bankruptcy or convert her Chapter 13 Bankruptcy which have all been denied by this Court. Specifically, this Court signed an Order closing the Bankruptcy Case on August 4, 2011.

2. As late as August 29, 2012, Debtor again filed a Motion to Re-Open the Chapter 13 Bankruptcy Case. This Court again denied Debtor's Motion and signed an Order denying her Motion to Reopen the Chapter 13 Case on October 17, 2012.

3. A Debtor's Notice of Conversion under 11 U.S.C. § 1307 (a) cannot apply to a Chapter 13 Bankruptcy Case that has been closed.

4. Debtor is attempting to use this Notice of Conversion to re-open her Bankruptcy Case without acquiring a ruling from this Court. Furthermore, Debtor continues to abuse the Bankruptcy Code, the Bankruptcy Rules, and this Court.

WHEREFORE, Selene prays the Court discard this Notice of Conversion Chapter 13 to Chapter 7 and to take any necessary action against Della M. Goines, Debtor that would be just.

Respectfully Submitted,

BADGER LAW OFFICE

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CERTIFICATE OF SERVICE

I certify that on November 15, 2012, a true and correct copy of Selene Finance LP's Response to Debtor's Notice of Conversion Chapter 13 to Chapter 7 Case Under 11 U.S.C. §§ 1208(a) or 1307(a) Fed. R. Bankr. P. 1017(f)(3) was served either electronically or via U.S. First Class Mail.

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/s/Bruce M. Badger
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